

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JULI WINTJEN, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

DENNY's, INC., *et al.*,

Defendants.

Civil Action No.: 2:19-cv-00069-CCW

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Plaintiff Juli Wintjen ("Plaintiff"), by and through her undersigned counsel, hereby seeks, pursuant to Federal Rule of Civil Procedure 56, summary judgment against Defendant Denny's, Inc. ("Denny's" or "Defendant"). Specifically, Plaintiff seeks summary judgment as to the following issues (i) that Defendant failed to provide complete and accurate tip credit notification required by the Fair Labor Standards Act of 1938, as amended 29 U.S.C. §§ 201 *et seq.* ("FLSA"), and the Pennsylvania Minimum Wage Act ("PMWA"), 43 P.S. § 333.101 *et seq.*, (ii) Defendant's violation of the FLSA was willful, and (iii) that Defendant did not act in good faith regarding its obligations under the FLSA. The justification for this request is set forth in the accompanying memorandum of law.

Dated: August 7, 2023

Respectfully submitted,

CONNOLLY WELLS & GRAY, LLP

By: /s/ Gerald D. Wells, III

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